

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MDL No. 2672 CRB (JSC)

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

**PRETRIAL ORDER NO. 3: DEADLINE
FOR MOTIONS FOR APPOINTMENT
AS LEAD PLAINTIFF IN THE
SECURITIES ACTIONS**

This Order Relates To:

City of St. Clair Shores, 15-1228 (E.D. Va)
Travalio, 15-7157 (D.N.J.)
George Leon Family Trust, 15-7283 (D.N.J.)
Charter Twp. of Clinton, 15-13999 (E.D. Mich.)
Wolfenbarger, 15-326 (E.D. Tenn.)

On December 10, 2015, the Judicial Panel on Multidistrict Litigation conditionally transferred the above Plaintiffs Securities Law Reform Act (“PSLRA”) securities actions to this Court for consolidated pretrial proceedings. The first of these actions was filed on September 25, 2015. The PSLRA provides that no later than 20 days after the first PSLRA complaint is filed, the plaintiff shall publish notice of the complaint and advise the public that any member of the purported class may file a motion to seek appointment as lead plaintiff not later than 60 days after the notice is published. 15 U.S.C. § 78u-4(a)(3)(A)(i)(II). The Court understands that more than 60 days has elapsed since the required notice and that only one plaintiff—the Arkansas State Highway Employees Retirement System (“ASHERS”—has filed (and not withdrawn) a motion for appointment as lead plaintiff.

In light of the uncertainty that always exists while a motion to consolidate cases into an MDL proceeding is pending, the Court in its discretion shall extend the deadline to move for

1 appointment as lead plaintiff in the above securities actions to **December 31, 2015**. See
2 *Coopersmith v. Lehman Broth., Inc.*, 344 F.Supp.2d 783, 791 (D. Mass. 2004) (noting that courts
3 have recognized that the 60 day requirement can be extended). ASHERS need not file a new
4 motion. Any motion by any other class member shall be e-filed in the Master file, 15-MD-2672.

5 **IT IS SO ORDERED.**

6 Dated: December 23, 2015

7 
8 CHARLES R. BREYER
United States District Judge